C. 8.15 (1) (6)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

M.A. NO. 877 **/2004** Single Bench

APPELLANT
CLAIMANT

Shivnandan Chandraker
S/o Paras Ram Chandraker
Aged 36 years
Occupation – Farmer
R/o – Village- Farfoud
P.S – Arang
Tah. & Distt. Raipur(C.G.)

CANCELLED

VERSUS

RESPNDENTS:-

1) Gauri Shankar
S/o-Ram lal Dhritlahre
Aged about 24 years
Occupation – Jeep Diver
R/o- Village- Baihar,
Tah. & Distt.- Raipur(C.G.)

CANCELLED

2) Santdas
S/o- Bodhi Das Dhritlahre
R/o Village Baihar
P.S.- Arang
Tah. & Distt. Raipur (C.G.)
(owner of Taxi Bearing
Rregistration no. M.P.23- T-1426)

CANCELLED

P. R. No. 1868/04
Presented by Shri S.S. Rustagi
18-8-04

3) The Oriental Insurance Company Limited – Mandal Officr –1
Through- Divisional Manager
Divisional Office
Kachahari Chowk Raipur
Tah.& Distt- Raipur(C.G.)
(The policy effected from dt.27/12/01 to 26/12/02)

MEMO OF APPEAL
UNDER SECTION 173 OF MOTER VEHICLE ACT 1988.

(19)

HIGH COURT OF CHHATTISGARH; BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL No. 877 OF 2004

Appellant: **Shivnandan Chandrakar**

Versus

Respondents: **Gauri Shankar and others.**

(Arising out of Claim Case No.127/2002)

28/03/2007

Shri Vivek Rathore, counsel for the appellant.

None for respondents No. 1 & 2.

Shri Yogesh Vithalani, Divisional Manager, the Oriental Insurance Company Ltd., with Shri Abhishek Sinha, counsel for respondent No.3.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs. 40,000/- (Rupees Forty thousand only) to the appellant.
2) For disbursement and deposit in FDR, the Tribunal may pass appropriate orders.
3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
4) Appellant shall be entitled to receive interest on the amount so deposited, if any.
5) In view of the above, appeal against respondents No. 1 & 2 stands dismissed.
6) Out of the above amount, Rs.400/- (Rupees four hundred only) shall be paid to counsel for the appellant directly by respondent No.3 towards counsel fee.
7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
8) Copy of the award shall be given to the parties free of cost.

Sd/-
Justice Vijay Kumar Shrivastava
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Raju